

## ATTACHMENT I

## *Lake Oconee*

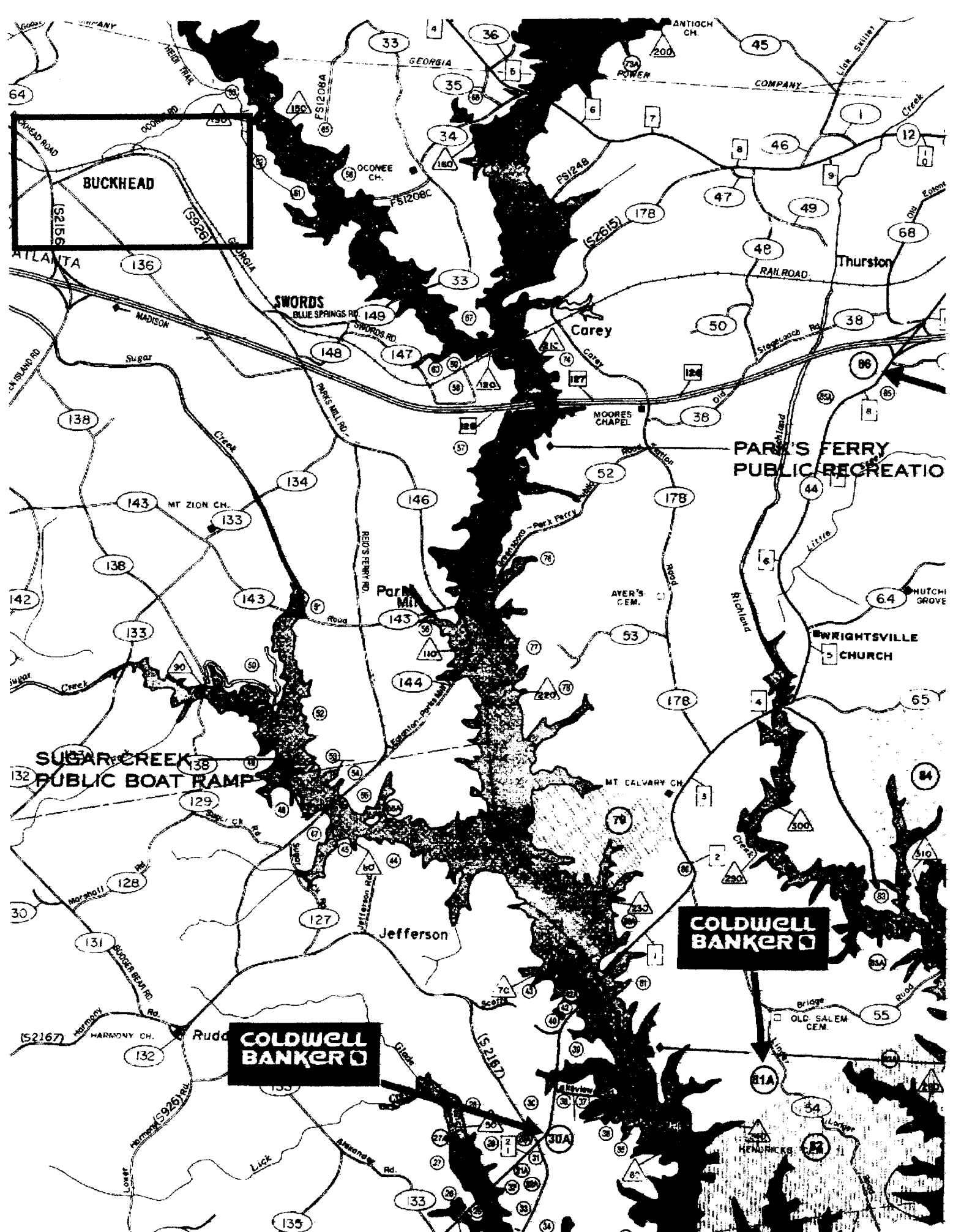
*Lake Oconee is a 19,000 Acre Georgia Power reservoir controlled by Wallace Dam and used to generate hydroelectric power. It is the second largest lake in Georgia and has been the core of development in this area of the state since it was flooded in 1980.*

*Three counties in Northeast Georgia were directly affected by the construction of the lake, and the impact on the area has been dramatic. Greene, Putnam and Morgan Counties serve as the boundaries of Lake Oconee. Each has experienced an influx of residents and business since the lake was built.*

*Formed by the Oconee and Apalachee Rivers, Lake Oconee is environmentally safe, since neither of the rivers pass through an industrial based city. Georgia Power owns an environmental strip surrounding the entire lake in which no building of any kind is allowed, including septic tanks and lines. No boats with heads or enclosed cabins are allowed on the lake.*

*Lake Oconee is considered the best fishing lake in the Southeast, with more than 350 pounds of fish per acre. Georgia Power operates two 85 acre recreation areas in Greene County: Parks Ferry and Old Salem. There is also a 1450 acre wildlife preserve and 55 acre fish plot.*

*The lake level remains constant along its 374 miles of shoreline, making boating and water skiing popular activities.*



**BUCKHEAD**

**SWORDS**

BLUE SPRINGS RD

**Carey**

**PARK'S FERRY  
PUBLIC RECREATION**

**SUGAR CREEK  
PUBLIC BOAT RAMP**

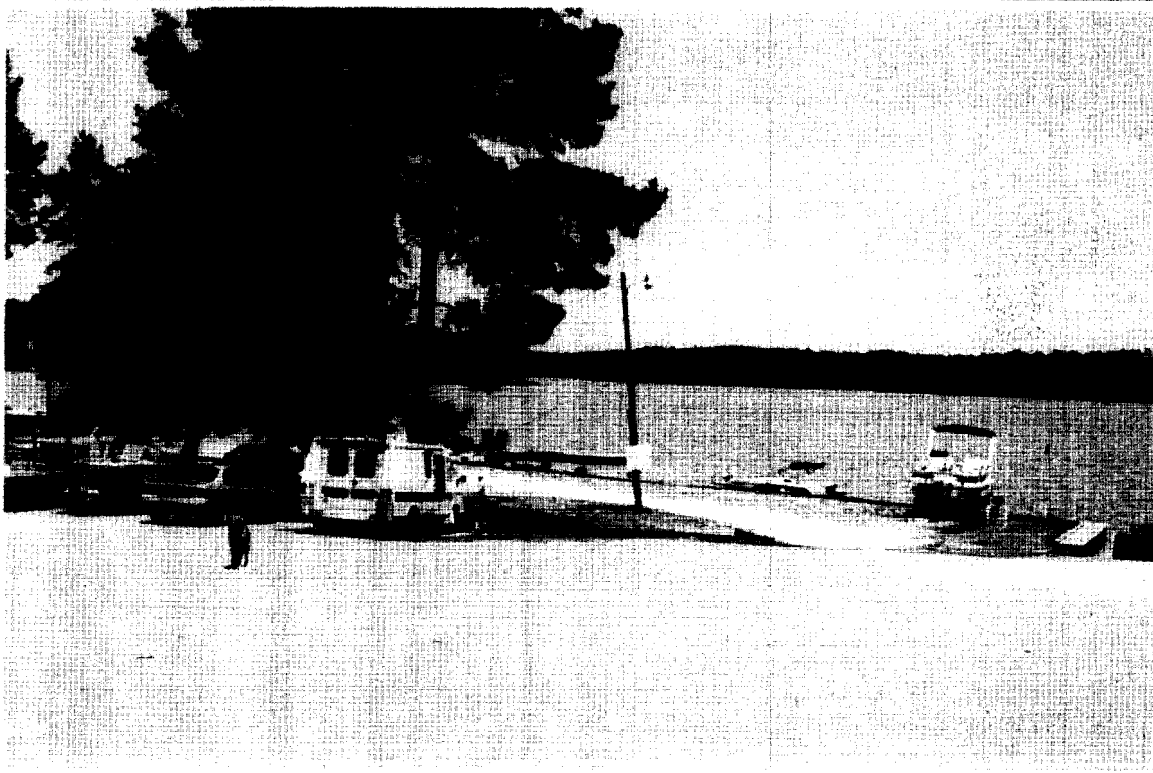
**Jefferson**

**COLDWELL  
BANKER**

**COLDWELL  
BANKER**

bridge  
OLD SALEM CEM.

**HENDRICKS**



## ATTACHMENT J

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## Georgia House of Representatives

### HB 949 - Buckhead, Town of; new charter (34)

Smith, Bob (91st)

Status Summary HC: LLeg SC: SLGO FR: 03/09/99 LA: 04/16/99 Signed by Governor

### First Reader Summary

A BILL to provide a new charter for the Town of Buckhead; and for other purposes.

#### Code Sections Amended:

House	Action	Senate
3/9/99	Read 1st Time	3/16/99
3/10/99	Read 2nd Time	
3/15/99	Favorably Reported	3/18/99
3/15/99	Read 3rd Time	
3/15/99	Passed/Adopted	3/18/99
4/7/99	Sent to Governor	
4/16/99	Signed by Governor	
206	Act/Veto Number	
7/1/99/9	Effective Date	

### Code Sections

Code Sections amended:

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*Clerk of the House*  
*Robert E. Rivers, Jr., Clerk*  
*Last Updated on 05/15/00*

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## Georgia House of Representatives



### HB 949 - Buckhead, Town of; new charter

Smith, Bob (91st)

**Status Summary** HC: LLeg SC: SLGO FR: 03/09/99 LA: 04/16/99 Signed by Governor

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**Page Numbers:** 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30  
31 32 33 34

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206	Act/Veto Number	
7/1/99/9	Effective Date	
Version by LC Number		
LC 9 0033 As Introduced		

HB 949

LC 9 0033

A BILL TO BE ENTITLED  
AN ACT

1- 1 To provide a new charter for the Town of Buckhead; to  
1- 2 provide for incorporation, boundaries, and powers of the  
1- 3 town; to provide for a governing authority of such town and  
1- 4 the powers, duties, authority, election, terms, vacancies,  
1- 5 compensation, expenses, qualifications, prohibitions,  
1- 6 conflicts of interest, and suspension and removal from  
1- 7 office relative to members of such governing authority; to  
1- 8 provide for inquiries and investigations; to provide for  
1- 9 oaths, organization, meetings, quorum, voting, rules, and  
1-10 procedures; to provide for ordinances and codes; to provide  
1-11 for a mayor, mayor pro tempore, and town council and certain

1-12 duties, powers, and other matters relative thereto; to  
 1-13 provide for administrative affairs and responsibilities; to  
 1-14 provide for boards, commissions, and authorities; to provide  
 1-15 for a town attorney, a town clerk, a town treasurer, a town  
 1-16 accountant, and other personnel and matters relating  
 1-17 thereto; to provide for rules and regulations; to provide  
 1-18 for a municipal court and the judge or judges thereof and  
 1-19 other matters relative to those judges; to provide for the  
 1-20 court's jurisdiction, powers, practices, and procedures; to  
 1-21 provide for the right of certiorari; to provide for  
 1-22 elections; to provide for taxation, licenses, and fees; to  
 1-23 provide for franchises, service charges, and assessments;  
 1-24 to provide for bonded and other indebtedness; to provide for  
 1-25 auditing, accounting, budgeting, and appropriations; to  
 1-26 provide for town contracts and purchasing; to provide for  
 1-27 the conveyance of property and interests therein; to provide  
 1-28 for bonds for officials; to provide for prior ordinances and  
 1-29 rules, pending matters, and existing personnel; to provide  
 1-30 for penalties; to provide for definitions and construction;  
 1-31 to provide for severability; to provide for other matters  
 1-32 relative to the foregoing; to provide for an effective date;  
 1-33 to repeal a specific Act; to repeal conflicting laws; and  
 1-34 for other purposes.

1-35 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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## 2- 1 INCORPORATION AND POWERS

### 2- 2 SECTION 1.10.

2- 3 This town and the inhabitants thereof are constituted and  
 2- 4 declared a body politic and corporate under the name and  
 2- 5 style Buckhead, Georgia, and by that name shall have  
 2- 6 perpetual succession.

### 2- 7 SECTION 1.11. 2- 8 Corporate boundaries.

2- 9 (a) The boundaries of this town shall be those existing on  
 2-10 the effective date of the adoption of this charter with such  
 2-11 alterations as may be made from time to time in the manner  
 2-12 provided by law. The boundaries of this town at all times  
 2-13 shall be shown on a map, a written description, or any  
 2-14 combination thereof, to be retained permanently in the town  
 2-15 hall and to be designated, as the case may be: "Official  
 2-16 Map (or Description) of the corporate limits of the Town of  
 2-17 Buckhead, Georgia." Photographic, typed, or other copies of  
 2-18 such map or description certified by the town clerk shall be  
 2-19 admitted as evidence in all courts and shall have the same  
 2-20 force and effect as with the original map or description.



2-21 (b) The town council may provide for the redrawing of any  
2-22 such map by ordinance to reflect lawful changes in the  
2-23 corporate boundaries. A redrawn map shall supersede for all  
2-24 purposes the entire map or maps which it is designated to  
2-25 replace.

2-26 SECTION 1.12.  
2-27 Powers and construction.

2-28 (a) This town shall have all powers possible for a town to  
2-29 have under the present or future Constitution and laws of  
2-30 this state as fully and completely as though they were  
2-31 specifically enumerated in this charter. This town shall  
2-32 have all the powers of self-government not otherwise  
2-33 prohibited by this charter or by general law.

2-34 (b) The powers of this town shall be construed liberally in  
2-35 favor of the town. The specific mention or failure to  
2-36 mention particular powers shall not be construed as limiting  
2-37 in any way the powers of this town.

2-38 SECTION 1.13.  
2-39 Examples of powers.

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3- 1 The powers of this town shall include, but not be limited  
3- 2 to, the following:

3- 3 (1) Air and water pollution. To regulate the emission  
3- 4 of smoke or other exhaust which pollutes the air and to  
3- 5 prevent the pollution of natural streams which flow  
3- 6 within the corporate limits of the town;

3- 7 (2) Animal regulations. To regulate and license or to  
3- 8 prohibit the keeping or running at-large of animals and  
3- 9 fowl and to provide for the impoundment of same if in  
3-10 violation of any ordinance or lawful order; to provide  
3-11 for the disposition by sale, gift, or humane destruction  
3-12 of animals and fowl when not redeemed as provided by  
3-13 ordinance; and to provide punishment for violation of  
3-14 ordinances enacted under this charter;

3-15 (3) Appropriations and expenditures. To make  
3-16 appropriations for the support of the government of the  
3-17 town; to authorize the expenditure of money for any  
3-18 purposes authorized by this charter and for any purpose  
3-19 for which a municipality is authorized by the laws of  
3-20 the State of Georgia; and to provide for the payment of  
3-21 expenses of the town;

3-22 (4) Building Regulation. To regulate and to license the  
3-23 erection and construction of buildings and all other  
3-24 structures; to adopt building, housing, plumbing,

3-25 electric, gas, and heating and air conditioning codes;  
3-26 and to regulate all housing, and building trades;

3-27 (5) Business regulation and taxation. To levy and to  
3-28 provide for the collection of license fees and taxes on  
3-29 privileges, occupations, trades, and professions; to  
3-30 license and regulate the same; to provide for the manner  
3-31 and method of payment of such licenses and taxes; and to  
3-32 revoke such licenses after due process for failure to  
3-33 pay any town fees or taxes;

3-34 (6) Condemnation. To condemn property, inside or  
3-35 outside the corporate limits of the town, for present or  
3-36 future use and for any corporate purpose deemed  
3-37 necessary by the governing authority, utilizing  
3-38 procedures enumerated in Title 22 of the Official Code  
3-39 of Georgia Annotated, or such other applicable laws as  
3-40 are or may hereafter be enacted;

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4- 1 (7) Contracts. To enter into contracts and agreements  
4- 2 with other governmental entities and with private  
4- 3 persons, firms, and corporations;

4- 4 (8) Emergencies. To establish procedures for  
4- 5 determining and proclaiming that an emergency situation  
4- 6 exists within or outside the town and to make and carry  
4- 7 out all reasonable provisions deemed necessary to deal  
4- 8 with or meet such an emergency for the protection,  
4- 9 safety, health, or well-being of the citizens of the  
4-10 town;

4-11 (9) Fire regulations. To fix and establish fire limits  
4-12 and from time to time to extend, enlarge, or restrict  
4-13 the same; to prescribe fire safety regulations not  
4-14 inconsistent with general law, relating to both fire  
4-15 prevention and detection and to fire fighting; and to  
4-16 prescribe penalties and punishment for violations  
4-17 thereof;

4-18 (10) Garbage fees. To levy, fix, assess, and collect a  
4-19 garbage, refuse, and trash collection and disposal and  
4-20 other sanitary service charge, tax, or fee for such  
4-21 services as may be necessary in the operation of the  
4-22 town from all individuals, firms, and corporations  
4-23 residing in said town or doing business therein and  
4-24 benefiting from such services; to enforce the payment of  
4-25 such charges, taxes, or fees; and to provide for the  
4-26 manner and method of collecting such service charges;

4-27 (11) General health, safety and welfare. To define,  
4-28 regulate, and prohibit any act, practice, conduct, or

- 4-29 use of property which is detrimental to health,  
4-30 sanitation, cleanliness, welfare, and safety of the  
4-31 inhabitants of the town, and to provide for the  
4-32 enforcement of such standards;
- 4-33 (12) Gifts. To accept or refuse gifts, donations,  
4-34 bequests, or grants from any source for any purpose  
4-35 related to the powers and duties of the town and the  
4-36 general welfare of its citizens, on such terms and  
4-37 conditions as the donor or grantor may impose;
- 4-38 (13) Health and sanitation. To prescribe standards of  
4-39 health and sanitation and to provide for the enforcement  
4-40 of such standards;
- 4-41 (14) Jail sentences. To provide that persons given jail  
4-42 sentences in the municipal court may work out such

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- 5- 1 sentences in any public works or on the streets, roads,  
5- 2 drains, and squares in the town; to provide for  
5- 3 commitment of such persons to any jail; or to provide  
5- 4 for commitment of such persons to any county work camp  
5- 5 or county jail by agreement with the appropriate county  
5- 6 officials;
- 5- 7 (15) Motor vehicles. To regulate the operation of motor  
5- 8 vehicles and exercise control over all traffic,  
5- 9 including parking upon or across the streets, roads,  
5-10 alleys, and walkways of the town;
- 5-11 (16) Municipal agencies and delegation of power. To  
5-12 create, alter, or abolish departments, boards, offices,  
5-13 commissions, and agencies of the town; and to confer  
5-14 upon such agencies the necessary and appropriate  
5-15 authority for carrying out all the powers conferred upon  
5-16 or delegated to the same;
- 5-17 (17) Municipal debts. To appropriate and borrow money  
5-18 for the payment of debts of the town and to issue bonds  
5-19 for the purpose of raising revenue to carry out any  
5-20 project, program, or venture authorized by this charter  
5-21 or the laws of the State of Georgia;
- 5-22 (18) Municipal property ownership. To acquire, dispose  
5-23 of, and hold in trust or otherwise any real, personal,  
5-24 or mixed property, in fee simple or lesser interest,  
5-25 inside or outside the property limits of the town;
- 5-26 (19) Municipal property protection. To provide for the  
5-27 preservation and protection of property and equipment of  
5-28 the town and the administration and use of same by the  
5-29 public; and to prescribe penalties and punishment for  
5-30 violations thereof;

5-31 (20) Municipal utilities. To acquire, lease, construct,  
5-32 operate, maintain, sell, and dispose of public  
5-33 utilities, including but not limited to a system of  
5-34 waterworks, sewers and drains, sewage disposal, gas  
5-35 works, electric light plants, transportation facilities,  
5-36 public airports, and any other public utility; to fix  
5-37 the taxes, charges, rates, fares, fees, assessments,  
5-38 regulations, and penalties; to provide for the  
5-39 withdrawal of service for refusal or failure to pay the  
5-40 same; to authorize the extension of water, sewerage, and  
5-41 electrical distribution systems, and all necessary  
5-42 appurtenances by which said utilities are distributed,  
5-43 inside and outside the corporate limits of the town; and

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6- 1 to provide utility services to persons, firms, and  
6- 2 corporations inside and outside the corporate limits of  
6- 3 the town as provided by ordinance;

6- 4 (21) Nuisance. To define a nuisance and provide for its  
6- 5 abatement whether on public or private property;

6- 6 (22) Penalties. To provide penalties for violation of  
6- 7 any ordinances adopted pursuant to the authority of this  
6- 8 charter and the laws of the State of Georgia;

6- 9 (23) Planning and zoning. To provide comprehensive town  
6-10 planning for development by zoning; and to provide  
6-11 subdivision regulation and the like as the town council  
6-12 deems necessary and reasonable to insure a safe,  
6-13 healthy, and aesthetically pleasing community;

6-14 (24) Police and fire protection. To exercise the power  
6-15 of arrest through duly appointed police officers; and to  
6-16 establish, operate, or contract for a police and a fire  
6-17 fighting agency;

6-18 (25) Public hazards; removal. To provide for the  
6-19 destruction and removal of any building or other  
6-20 structure which is or may become dangerous or  
6-21 detrimental to the public;

6-22 (26) Public improvements. To provide for the  
6-23 acquisition, construction, building, operation, and  
6-24 maintenance of public ways, parks and playgrounds,  
6-25 recreational facilities, cemeteries, markets and market  
6-26 houses, public buildings, libraries, public housing,  
6-27 airports, hospitals, terminals, docks, parking  
6-28 facilities, or charitable, cultural, educational,  
6-29 recreational, conservation, sport, curative, corrective,  
6-30 detentional, penal, and medical institutions, agencies,  
6-31 and facilities; to provide any other public  
6-32 improvements, inside or outside the corporate limits of  
6-33 the town; to regulate the use of public improvements;

6-34 and, for such purposes, property may be acquired by  
6-35 condemnation under Title 22 of the Official Code of  
6-36 Georgia Annotated or such other applicable laws as are  
6-37 or may hereafter be enacted;

6-38 (27) Public peace. To provide for the prevention and  
6-39 punishment of drunkenness, riots, and public  
6-40 disturbances;

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7- 1 (28) Public transportation. To organize and operate  
7- 2 such public transportation systems as are deemed  
7- 3 beneficial;

7- 4 (29) Public utilities and services. To grant franchises  
7- 5 or make contracts for public utilities and public  
7- 6 services and to prescribe the rates, fares, regulations,  
7- 7 standards, and conditions of service applicable to the  
7- 8 service to be provided by the franchise grantee or  
7- 9 contractor, insofar as not in conflict with valid  
7-10 regulations of the Public Service Commission;

7-11 (30) Regulation of roadside areas. To prohibit or  
7-12 regulate and control the erection, removal, and  
7-13 maintenance of signs, billboards, trees, shrubs, fences,  
7-14 buildings, and any and all other structures or  
7-15 obstructions upon or adjacent to the rights-of-way of  
7-16 streets and roads or within view thereof, within or  
7-17 abutting the corporate limits of the town; and to  
7-18 prescribe penalties and punishment for violation of such  
7-19 ordinances;

7-20 (31) Retirement. To provide and maintain a retirement  
7-21 plan for officers and employees of the town;

7-22 (32) Roadways. To lay out, open, extend, widen, narrow,  
7-23 establish or change the grade of, abandon or close,  
7-24 construct, pave, maintain, repair, clean, prevent  
7-25 erosion of, and light the roads, alleys, and walkways  
7-26 within the corporate limits of the town; to negotiate  
7-27 and execute leases over, through, under, or across any  
7-28 town property or the right-of-way of any street, road,  
7-29 alley, and walkway or portion thereof within the  
7-30 corporate limits of the town, for bridges, passageways,  
7-31 or any other purpose or use between buildings on  
7-32 opposite sides of the street and for other bridges,  
7-33 overpasses, and underpasses for private use at such  
7-34 location, and to charge a rental therefor in such manner  
7-35 as may be provided by ordinance; to authorize and  
7-36 control the construction of bridges, overpasses, and  
7-37 underpasses within the corporate limits of the town; to  
7-38 grant franchises and rights-of-way throughout the

7-39 streets and roads, and over the bridges and viaducts for  
7-40 the use of public utilities and for private use; and to  
7-41 require real estate owners to repair and maintain in a  
7-42 safe condition the sidewalks adjoining their lots or  
7-43 lands, and to impose penalties for failure to do so;

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8- 1 (33) Sewer fees. To levy a fee, charge, or sewer tax as  
8- 2 necessary to assure the acquiring, constructing,  
8- 3 equipping, operating, maintaining, and extending of a  
8- 4 sewage disposal plan and sewerage system and to levy on  
8- 5 those to whom sewers and sewerage systems are made  
8- 6 available a sewer service fee, charge, or sewer tax for  
8- 7 the availability or use of the sewers; to provide for  
8- 8 the manner and method of collecting such service charges  
8- 9 and for enforcing payment of the same; and to charge,  
8-10 impose, and collect a sewer connection fee or fees to  
8-11 those connected with the system;

8-12 (34) Solid waste disposal. To provide for the  
8-13 collection and disposal of garbage, rubbish, and refuse  
8-14 and to regulate the collection and disposal of garbage,  
8-15 rubbish, and refuse by others; to provide for the  
8-16 separate collection of glass, tin, aluminum, cardboard,  
8-17 paper, and other recyclable materials; and to provide  
8-18 for the sale of such items;

8-19 (35) Special areas of public regulation. To regulate or  
8-20 prohibit junk dealers, pawn shops, the manufacture,  
8-21 sale, or transportation of intoxicating liquors, and the  
8-22 use and sale of firearms; to regulate the  
8-23 transportation, storage, and use of combustible,  
8-24 explosive, and flammable materials, the use of lighting  
8-25 and heating equipment, and any other business or  
8-26 situation which may be dangerous to persons or property;  
8-27 to regulate and control the conduct of peddlers and  
8-28 itinerant traders, theatrical performances, exhibitions,  
8-29 and shows of any kind, by taxation or otherwise; and to  
8-30 license, tax, regulate, or prohibit professional  
8-31 fortunetelling, palmistry, adult bookstores, and massage  
8-32 parlors;

8-33 (36) Special assessments. To levy and provide for the  
8-34 collection of special assessments to cover the costs for  
8-35 any public improvements;

8-36 (37) Taxes: ad valorem. To levy and provide for the  
8-37 assessment, valuation, revaluation, and collection of  
8-38 taxes on all property subject to taxation;

8-39 (38) Taxes: other. To levy and collect such other  
8-40 taxes as may be allowed now or in the future by law;

8-41 (39) Taxicabs. To regulate and license vehicles

8-42 operated for hire in the town; to limit the number of  
8-43 such vehicles; to require the operators thereof to be

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9- 1 licensed; to require public liability insurance on such  
9- 2 vehicles in the amounts to be prescribed by ordinance;  
9- 3 and to regulate the parking of such vehicles;

9- 4 (40) Urban redevelopment. To organize and operate an  
9- 5 urban redevelopment program; and

9- 6 (41) Other powers. To exercise and enjoy all other  
9- 7 powers, functions, rights, privileges, and immunities  
9- 8 necessary or desirable to promote or protect the safety,  
9- 9 health, peace, security, good order, comfort,  
9-10 convenience, or general welfare of the town and its  
9-11 inhabitants; to exercise all implied powers necessary to  
9-12 carry into execution all powers granted in this charter  
9-13 as fully and completely as if such powers were fully  
9-14 stated herein; to exercise all powers now or in the  
9-15 future authorized to be exercised by other municipal  
9-16 governments under other laws of the State of Georgia;  
9-17 and no listing of particular powers in this charter  
9-18 shall be held to be exclusive of others, nor restrictive  
9-19 of general words and phrases granting powers, but shall  
9-20 be held to be in addition to such powers unless  
9-21 expressly prohibited to municipalities under the  
9-22 Constitution or applicable laws of the State of Georgia.

9-23 SECTION 1.14.  
9-24 Exercise of powers.

9-25 All powers, functions, rights, privileges, and immunities of  
9-26 the town, its officers, agencies, or employees shall be  
9-27 carried into execution as provided by this charter. If this  
9-28 charter makes no provision, such shall be carried into  
9-29 execution as provided by ordinance or as provided by  
9-30 pertinent laws of the State of Georgia.

9-31 GOVERNMENT STRUCTURE

9-32 SECTION 2.10.  
9-33 Town council creation; number; election.

9-34 The legislative authority of the government of this town,  
9-35 except as otherwise specifically provided in this charter,  
9-36 shall be vested in a town council to be composed of a mayor  
9-37 and four councilmembers. The mayor and councilmembers shall  
9-38 be elected in the manner provided by this charter.

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10- 1                    SECTION 2.11.  
10- 2                    Town council terms and  
10- 3                    qualifications for office.

10- 4    The members of the town council shall serve for terms of  
10- 5    four years and until their respective successors are elected  
10- 6    and qualified. No person shall be eligible to serve as mayor  
10- 7    or councilmember unless he or she shall have been a resident  
10- 8    of the town for 12 months immediately prior to the date of  
10- 9    the election of mayor or members of the town council. Each  
10-10    such official shall continue to reside in the town during  
10-11    his or her period of service and continue to be registered  
10-12    and qualified to vote in municipal elections of this town.

10-13                   SECTION 2.12.  
10-14                   Vacancy; suspensions.

10-15    (a) Vacancies. The office of mayor or councilmember shall  
10-16    become vacant upon the incumbent's death, resignation,  
10-17    forfeiture of office, or removal from office in any manner  
10-18    authorized by this charter or the general laws of the State  
10-19    of Georgia. A vacancy in the office of mayor or  
10-20    councilmember shall be filled for the remainder of the  
10-21    unexpired term, if any, as provided for in Section 5.14 of  
10-22    this charter.

10-23    (b) Suspension. Upon the suspension from office of mayor or  
10-24    councilmember in any manner authorized by the general laws  
10-25    of the State of Georgia, the town council, or those  
10-26    remaining, shall appoint a successor for the duration of the  
10-27    suspension. If the suspension becomes permanent, then the  
10-28    office shall become vacant and shall be filled for the  
10-29    remainder of the unexpired term, if any, as provided for in  
10-30    Section 5.14 of this charter.


10-31                   SECTION 2.13.  
10-32                   Compensation and expenses.

10-33    The mayor and councilmembers shall receive compensation and  
10-34    expenses for their services as provided by ordinance.

10-35                   SECTION 2.14.  
10-36                   Conflicts of interest; holding other offices.

10-37    (a) Conflicts of interest. No elected official, appointed  
10-38    officer, or employee of the town or any agency or political  
10-39    entity to which this charter applies shall knowingly:

10-40            (1) Engage in any business or transaction or have a  
10-41            financial or other personal interest, direct or

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11- 1 indirect, which is incompatible with the proper  
11- 2 discharge of his or her official duties or which would  
11- 3 tend to impair the independence of his or her judgment  
11- 4 or action in the performance of his or her official  
11- 5 duties;

11- 6 (2) Engage in or accept private employment or render  
11- 7 services for private interests when such employment or  
11- 8 service is incompatible with the proper discharge of his  
11- 9 or her official duties or would tend to impair the  
11-10 independence of his or her judgment or action in the  
11-11 performance of his or her official duties;

11-12 (3) Disclose confidential information concerning the  
11-13 property, government, or affairs of the governmental  
11-14 body by which he or she is engaged without proper legal  
11-15 authorization or use such information to advance the  
11-16 financial or other private interests of that person or  
11-17 others;

11-18 (4) Accept any valuable gift, whether in the form of  
11-19 service, loan, thing, or promise, from any person, firm,  
11-20 or corporation which to his or her knowledge is  
11-21 interested, directly or indirectly, in any manner  
11-22 whatsoever, in business dealings with the governmental  
11-23 body by which he or she is engaged; provided, however,  
11-24 that an elected official who is a candidate for public  
11-25 office may accept campaign contributions and services in  
11-26 connection with any such campaign;

11-27 (5) Represent other private interests in any action or  
11-28 proceeding against this town or any portion of its  
11-29 government; or

11-30 (6) Vote or otherwise participate in the negotiation or  
11-31 in the making of any contract with any business or  
11-32 entity in which he or she has a financial interest.

11-33 (b) Disclosure. Any elected official, appointed officer,  
11-34 or employee who shall have any private financial interest,  
11-35 directly or indirectly, in any contract or matter pending  
11-36 before or within any department of the town shall disclose  
11-37 such interest to the town council. The mayor or any  
11-38 councilmember who has a private financial interest in any  
11-39 matter pending before the town council shall disclose such  
11-40 interest, such disclosure shall be entered on the records  
11-41 of the town council, and he or she shall disqualify  
11-42 himself or herself from participating in any decision or  
11-43 vote relating thereto. Any elected official, appointed

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12- 1 officer, or employee of any agency or political entity to

12- 2 which this charter applies who shall have any private  
12- 3 financial interest, directly or indirectly, in any  
12- 4 contract or matter pending before or within such entity  
12- 5 shall disclose such interest to the governing body of such  
12- 6 agency or entity.

12- 7 (c) Use of public property. No elected official, appointed  
12- 8 officer, or employee of the town or any agency or entity to  
12- 9 which this charter applies shall use property owned by such  
12-10 governmental entity for personal benefit, convenience, or  
12-11 profit except in accordance with policies promulgated by the  
12-12 town council or the governing body of such agency or entity.

12-13 (d) Contracts voidable and rescindable. Any violation of  
12-14 this section which occurs with the knowledge, express or  
12-15 implied, of a party to a contract or sale shall render said  
12-16 contract or sale voidable at the option of the town council.

12-17 (e) Ineligibility of elected official. Except where  
12-18 authorized by law, neither the mayor nor any councilmember  
12-19 shall hold any other elective or compensated appointive  
12-20 office in the town or otherwise be employed by said  
12-21 government or any agency thereof during the term for which  
12-22 he or she was elected.


12-23 (f) Political activities of certain officers and employees.  
12-24 No appointed officer and no employee of the town shall  
12-25 continue in such employment upon qualifying as a candidate  
12-26 for nomination or election to any public office.

12-27 (g) Penalties for violation.

12-28 (1) Any town officer or employee who knowingly conceals  
12-29 such financial interest or knowingly violates any of the  
12-30 requirements of this section shall be guilty of  
12-31 malfeasance in office or position and shall be deemed to  
12-32 have forfeited his or her office or position.

12-33 (2) Any officer or employee of the town who shall  
12-34 forfeit his or her office or position as described in  
12-35 paragraph (1) of this subsection shall be ineligible for  
12-36 appointment or election to or employment in a position  
12-37 in the town government for a period of three years  
12-38 thereafter.

12-39 SECTION 2.15.  
12-40 Inquiries and investigations.

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13- 1 The town council may make inquiries and investigations into  
13- 2 the affairs of the town and the conduct of any department,  
13- 3 office, or agency thereof, and for this purpose may subpoena  
13- 4 witnesses, administer oaths, take testimony, and require the

13- 5 production of evidence. Any person who fails or refuses to  
13- 6 obey a lawful order issued in the exercise of these powers  
13- 7 by the town council shall be punished as provided by  
13- 8 ordinance.

13- 9 SECTION 2.16.

13-10 General power and authority of the town council.

13-11 Except as otherwise provided by law or this charter, the  
13-12 town council shall be vested with all the powers of  
13-13 government of this town as provided by Article I.

13-14 SECTION 2.17.

13-15 Eminent domain.


13-16 The town council is empowered to acquire, construct,  
13-17 operate, and maintain public ways, parks, public grounds,  
13-18 cemeteries, markets, market houses, public buildings,  
13-19 libraries, sewers, drains, sewage treatment, waterworks,  
13-20 electrical systems, gas systems, airports, hospitals, and  
13-21 charitable, educational, recreational, sport, curative,  
13-22 corrective, detentional, penal, and medical institutions,  
13-23 agencies, and facilities, and any other public improvements  
13-24 inside or outside the town, and to regulate the use thereof,  
13-25 and for such purposes, property may be condemned under  
13-26 procedures established under general law applicable now or  
13-27 as provided in the future.

13-28 SECTION 2.18.

13-29 Organizational meetings.

13-30 The mayor and town council shall hold an organizational  
13-31 meeting on the first Monday in January following each  
13-32 municipal election. In the event both the mayor and the  
13-33 mayor pro tempore are serving terms of office which are to  
13-34 expire on December 31 of that election year, the meeting  
13-35 shall be called to order by the town clerk, and the oath of  
13-36 office shall be administered to the newly elected members as  
13-37 follows:

13-38 "I do solemnly (swear)(affirm) that I will faithfully  
13-39 perform the duties of (mayor)(councilmember) of this town  
13-40 and that I will support and defend the charter thereof as  
13-41 well as the Constitution and laws of the State of Georgia  
13-42 and of the United States of America."

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14- 1 Should any official-elect be absent from said meeting, he or  
14- 2 she shall take the oath of office as soon as possible  
14- 3 thereafter.

14- 4 SECTION 2.19.

14- 5 Regular and special meetings.

14- 6 (a) The town council shall hold regular meetings at such  
14- 7 times and places as prescribed by ordinance.

14- 8 (b) Special meetings of the town council may be held on call  
14- 9 of the mayor or three members of the town council. Notice  
14-10 of such special meetings shall be served on all other  
14-11 members personally, or by telephone personally, at least 48  
14-12 hours in advance of the meeting. Such notice to  
14-13 councilmembers shall not be required if the mayor and all  
14-14 councilmembers are present when the special meeting is  
14-15 called. Such notice of any special meeting may be waived by  
14-16 a councilmember in writing before or after such a meeting,  
14-17 and attendance at the meeting shall also constitute a waiver  
14-18 of notice on any business transacted in such councilmember's  
14-19 presence. Only the business stated in the call may be  
14-20 transacted at the special meeting.

14-21 (c) All meetings of the town council shall be public to the  
14-22 extent required by law, and notice to the public of special  
14-23 meetings shall be made as fully as is reasonably possible at  
14-24 least 48 hours prior to such meetings.


14-25 SECTION 2.20.  
14-26 Rules of Procedure.

14-27 (a) The town council shall adopt its rules of procedure and  
14-28 order of business consistent with the provisions of this  
14-29 charter and shall provide for keeping a journal of its  
14-30 proceedings, which shall be a public record.

14-31 (b) All committees and committee chairpersons and officers  
14-32 of the town council shall be appointed by the mayor and  
14-33 shall serve at his or her pleasure. The mayor shall have the  
14-34 power to appoint new members to any committee at any time.

14-35 SECTION 2.21.  
14-36 Quorum; voting.

14-37 The mayor and three councilmembers shall constitute a quorum  
14-38 and shall be authorized to transact business of the town  
14-39 council. Voting on the adoption of ordinances shall be by  
14-40 voice vote and the vote shall be recorded in the journal,  
14-41 but any member of the town council shall have the right to

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15- 1 request a roll-call vote and such vote shall be recorded in  
15- 2 the journal. Except as otherwise provided in this charter,  
15- 3 the affirmative vote of a majority of councilmembers shall  
15- 4 be required for the adoption of any ordinance, resolution,  
15- 5 or motion.

15- 6 SECTION 2.22.  
15- 7 Ordinance form; procedures.

15- 8 (a) Every proposed ordinance should be introduced in writing  
15- 9 and in the form required for final adoption. No ordinance  
15-10 shall contain a subject which is not expressed in its title.  
15-11 The enacting clause shall be "The Council of the Town of  
15-12 Buckhead hereby ordains . . ." and every ordinance shall so  
15-13 begin.


15-14 (b) An ordinance may be introduced by any councilmember and  
15-15 be read at a regular or special meeting of the town council.  
15-16 Ordinances shall be considered and adopted or rejected by  
15-17 the town council in accordance with the rules which it shall  
15-18 establish; provided, however, an ordinance shall not be  
15-19 adopted the same day it is introduced, except for emergency  
15-20 ordinances provided in Section 2.24 of this charter. Upon  
15-21 introduction of any ordinance, the clerk shall as soon as  
15-22 possible distribute a copy to the mayor and to each  
15-23 councilmember and shall file a reasonable number of copies  
15-24 in the office of the clerk and at such other public places  
15-25 as the town council may designate.

15-26 SECTION 2.23.  
15-27 Action requiring an ordinance.

15-28 Acts of the town council which have the force and effect of  
15-29 law shall be enacted by ordinance.

15-30 SECTION 2.24.

15-31 To meet a public emergency affecting life, health, property,  
15-32 or public peace, the town council may convene on call of the  
15-33 mayor or two councilmembers and may promptly adopt an  
15-34 emergency ordinance, but such ordinance may not levy taxes;  
15-35 grant, renew, or extend a franchise; regulate the rate  
15-36 charged by any public utility for its services; or authorize  
15-37 the borrowing of money except for loans to be repaid within  
15-38 30 days. An emergency ordinance shall be introduced in the  
15-39 form prescribed for ordinances generally, except that it  
15-40 shall be plainly designated as an emergency ordinance and  
15-41 shall contain, after the enacting clause, a declaration

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16- 1 stating that an emergency exists and describing such  
16- 2 emergency in clear and specific terms. An emergency  
16- 3 ordinance may be adopted, with or without amendment, or  
16- 4 rejected at the meeting at which it is introduced, but the  
16- 5 affirmative vote of at least three councilmembers shall be  
16- 6 required for adoption. It shall become effective upon  
16- 7 adoption or at such later time as it may specify. Every  
16- 8 emergency ordinance shall automatically stand repealed 30  
16- 9 days following the date upon which it was adopted, but this  
16-10 shall not prevent reenactment of the ordinance in the manner  
16-11 specified in this section if the emergency still exists. An  
16-12 emergency ordinance may also be repealed by adoption of a

16-13 repealing ordinance in the same manner specified in this  
16-14 section for adoption of emergency ordinances.

16-15 SECTION 2.25.

16-16 Codes of technical regulations.

16-17 (a) The town council may adopt any standard code of  
16-18 technical regulations by reference thereto in an adopting  
16-19 ordinance. The procedure and requirements governing such  
16-20 adopting ordinance shall be as prescribed for ordinances  
16-21 generally except that: (1) the requirements of subsection  
16-22 (b) of Section 2.22 of this charter for distribution and  
16-23 filing of copies of the ordinance shall be construed to  
16-24 include copies of any code of technical regulations, as well  
16-25 as the adopting ordinance; and (2) a copy of each adopted  
16-26 code of technical regulations, as well as the adopting  
16-27 ordinance, shall be authenticated and recorded by the clerk  
16-28 pursuant to Section 2.26 of this charter.

16-29 (b) Copies of any adopted code of technical regulations  
16-30 shall be made available by the clerk for distribution or for  
16-31 purchase at a reasonable price.

16-32 SECTION 2.26.

16-33 Signing; authenticating; recording;  
16-34 codification; printing.

16-35 (a) The clerk shall authenticate by his or her signature and  
16-36 record in full in a properly indexed book kept for that  
16-37 purpose all ordinances adopted by the town council.

16-38 (b) The town council shall provide for the preparation of a  
16-39 general codification of all the ordinances of the town  
16-40 having the force and effect of law. The general  
16-41 codification shall be adopted by the town council by  
16-42 ordinance and shall be published promptly, together with all  
16-43 amendments thereto and such codes of technical regulations

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17- 1 and other rules and regulations as the town council may  
17- 2 specify. This compilation shall be known and cited  
17- 3 officially as "The Code of the Town of Buckhead, Georgia."  
17- 4 Copies of the code shall be furnished to all officers,  
17- 5 departments, and agencies of the town and shall be made  
17- 6 available for purchase by the public at a reasonable price  
17- 7 as fixed by the town council.

17- 8 (c) The town council shall cause each ordinance and each  
17- 9 amendment to this charter to be printed promptly following  
17-10 its adoption, and the printed ordinances and charter  
17-11 amendments shall be made available for purchase by the  
17-12 public at reasonable prices to be fixed by the town council.  
17-13 Following publication of the first code under this charter  
17-14 and at all times thereafter, the ordinances and charter  
17-15 amendments shall be printed in substantially the same style

17-16 as the code currently in effect and shall be suitable in  
17-17 form for incorporation therein. The town council shall make  
17-18 such further arrangements as deemed desirable with the  
17-19 reproduction and distribution of any current changes in or  
17-20 additions to codes of technical regulations and other rules  
17-21 and regulations included in the code.

17-22 SECTION 2.27.

17-23 Election of mayor; forfeiture; compensation.

17-24 The mayor shall be elected and shall serve for a term of  
17-25 four years and until his or her successor is elected and  
17-26 qualified. The mayor shall be a qualified elector of this  
17-27 town and shall have been a resident of the town immediately  
17-28 preceding his or her election. The mayor shall continue to  
17-29 reside in this town during the period of his or her service.  
17-30 He or she shall forfeit his or her office on the same  
17-31 grounds and under the same procedure as for councilmembers.  
17-32 The compensation of the mayor shall be established in the  
17-33 same manner as for councilmembers.


17-34 SECTION 2.28.

17-35 Mayor pro tempore.

17-36 By a majority vote, the town council shall elect a  
17-37 councilmember to serve as mayor pro tempore. The mayor pro  
17-38 tempore shall assume the duties and powers of the mayor  
17-39 during the mayor's disability or absence. Any such  
17-40 disability or absence shall be declared by a majority vote  
17-41 of the town council.

17-42 SECTION 2.29.

17-43 Powers and duties of mayor.

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18- 1 The mayor shall:

18- 2 (1) Preside at all meetings of the town council;

18- 3 (2) Be the head of the town for the purpose of service  
18- 4 of process and for ceremonial purposes and be the  
18- 5 official spokesperson for the town and the chief  
18- 6 advocate of policy;

18- 7 (3) Have the power to administer oaths and to take  
18- 8 affidavits;

18- 9 (4) Sign as a matter of course on behalf of the town all  
18-10 written and approved contracts, ordinances, and other  
18-11 instruments executed by the town which by law are  
18-12 required to be in writing;

18-13 (5) Vote on matters before the town council only in case  
18-14 of a tie vote and be counted toward a quorum as any  
18-15 other councilmember;

18-16 (6) Prepare and submit to the town council a recommended  
18-17 annual operating budget and recommended capital budget;  
18-18 and

18-19 (7) Fulfill such other executive and administrative  
18-20 duties as the town council shall by ordinance establish.

18-21 SECTION 2.30.

18-22 Mayor pro tempore; selection; duties.


18-23 By a majority vote, the town council shall elect a  
18-24 councilmember to serve as mayor pro tempore. The mayor pro  
18-25 tempore shall preside at all meetings of the town council  
18-26 and shall assume the duties and powers of the mayor upon the  
18-27 mayor's disability or absence. The town council by a  
18-28 majority vote shall elect a new presiding officer from among  
18-29 its members for any period in which the mayor pro tempore is  
18-30 disabled, absent, or acting as mayor. Any such absence or  
18-31 disability shall be declared by majority vote of all  
18-32 councilmembers.

18-33 ADMINISTRATIVE AFFAIRS

18-34 SECTION 3.10.

18-35 Administrative and service departments.

18-36 (a) Except as otherwise provided in this charter, the town  
18-37 council by ordinance shall prescribe the functions or duties  
18-38 of and establish, abolish, or alter all nonelective offices,  
18-39 positions of employment, departments, and agencies of the

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19- 1 town as necessary for the proper administration of the  
19- 2 affairs and government of the town.

19- 3 (b) Except as otherwise provided by this charter or by law,  
19- 4 the directors of departments and other appointed officers of  
19- 5 the town shall be appointed solely on the basis of their  
19- 6 respective administrative and professional qualifications.

19- 7 (c) All appointed officers and directors of departments  
19- 8 shall receive such compensation as prescribed by ordinance.

19- 9 (d) There shall be a director of each department or agency  
19-10 who shall be its principal officer. Each director shall,  
19-11 subject to the direction and supervision of the mayor, be  
19-12 responsible for the administration and direction of the  
19-13 affairs and operations of his or her department or agency.

19-14 (e) All directors under the supervision of the mayor shall  
19-15 be nominated by the mayor with confirmation of appointment  
19-16 by the town council. The mayor, upon direction of the town  
19-17 council, may suspend or remove directors under his or her




19-18 supervision, but such suspension or removal shall not be  
19-19 effective for seven calendar days following the mayor giving  
19-20 written notice of such action and the reasons therefor to  
19-21 the director involved and to the town council. The director  
19-22 involved may appeal to the town council which, after a  
19-23 hearing, may override the mayor's action by a vote of three  
19-24 councilmembers.

19-25 SECTION 3.11.  
19-26 Boards, commissions, and authorities.

19-27 (a) The town council shall create by ordinance such boards,  
19-28 commissions, and authorities to fulfill any investigative,  
19-29 quasi-judicial, or quasi-legislative function the town  
19-30 council deems necessary and shall by ordinance establish the  
19-31 composition, period of existence, duties, and powers  
19-32 thereof.

19-33 (b) All members of boards, commissions, and authorities of  
19-34 the town shall be appointed by the town council for such  
19-35 terms of office and in such manner as shall be provided by  
19-36 ordinance, except where other appointing authority, terms of  
19-37 office, or manner of appointment is prescribed by this  
19-38 charter or by law.

19-39 (c) The town council by ordinance may provide for the  
19-40 compensation and reimbursement for actual and necessary  
19-41 expenses of the members of any board, commission, or  
19-42 authority.

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20- 1 (d) Except as otherwise provided by this charter or by law,  
20- 2 no member of any board, commission, or authority shall hold  
20- 3 any elective office in the town.

20- 4 (e) Any vacancy on a board, commission, or authority of the  
20- 5 town shall be filled for the unexpired term in the manner  
20- 6 prescribed in this section for original appointment, except  
20- 7 as otherwise provided by this charter or by law.

20- 8 (f) No member of a board, commission, or authority shall  
20- 9 assume office until he or she has executed and filed with  
20-10 the clerk of the town an oath obligating himself or herself  
20-11 to faithfully and impartially perform the duties of his or  
20-12 her office, such oath to be prescribed by ordinance and  
20-13 administered by the mayor.


20-14 (g) Any member of a board, commission, or authority may be  
20-15 removed from office for cause by a vote of three members of  
20-16 the town council.

20-17 (h) Except as otherwise provided by this charter or by law,  
20-18 each board, commission, or authority of the town shall elect  
20-19 one of its members as chairperson and one member as vice  
20-20 chairperson and may elect as its secretary one of its own

20-21 members or may appoint as secretary an employee of the town.  
20-22 Each board shall pass rules and regulations, not  
20-23 inconsistent with this charter, ordinances of the town, or  
20-24 law, as it deems appropriate and necessary for the  
20-25 fulfillment of its duties or the conduct of its affairs.  
20-26 Copies of such rules and regulations shall be filed with the  
20-27 clerk of the town.

20-28 SECTION 3.12.  
20-29 Town attorney.

20-30 The town council shall appoint a town attorney, together  
20-31 with such assistant town attorneys as may be authorized, and  
20-32 shall provide for the payment of such attorney or attorneys  
20-33 for services rendered to the town. The town attorney shall  
20-34 be responsible for representing and defending the town in  
20-35 all litigation in which the town is a party; may be  
20-36 prosecuting officer in the municipal court; shall attend the  
20-37 meetings of the council as directed; shall advise the town  
20-38 council, mayor, and other officers and employees of the town  
20-39 concerning legal aspects of the town's affairs; and shall  
20-40 perform such other duties as may be required of him or her  
20-41 by virtue of his or her position as town attorney.

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21- 1 SECTION 3.13.

21- 2 The town council shall appoint a town clerk who shall not be  
21- 3 a councilmember. The town clerk shall be custodian of the  
21- 4 official town seal; maintain town council records required  
21- 5 by this charter; and perform such other duties as may be  
21- 6 required by the town council.

21- 7 SECTION 3.14.  
21- 8 Town treasurer.

21- 9 The town council shall appoint a town treasurer to collect  
21-10 all taxes, licenses, fees, and other moneys belonging to the  
21-11 town subject to the provisions of this charter and the  
21-12 ordinances of the town and to enforce all laws of Georgia  
21-13 relating to the collection of delinquent taxes and sale or  
21-14 foreclosure for nonpayment of taxes by the town. The town  
21-15 treasurer shall also be responsible for the general duties  
21-16 of a treasurer and fiscal officer.

21-17 SECTION 3.15.  
21-18 Town accountant.

21-19 The town council shall appoint a town accountant to perform  
21-20 the duties of an accountant.

21-21 SECTION 3.16.

21-22                    Position classification and pay plans.

21-23    The mayor shall be responsible for the preparation of a  
 21-24    position classification and pay plan which shall be  
 21-25    submitted to the town council for approval. Such plan may  
 21-26    apply to all employees of the town and any of its agencies,  
 21-27    departments, boards, commissions, or authorities. When a  
 21-28    pay plan has been adopted, the town council shall not  
 21-29    increase or decrease the salary range applicable to any  
 21-30    position except by amendment of such pay plan. For purposes  
 21-31    of this section, all elected and appointed town officials  
 21-32    are not town employees.

21-33                    SECTION 3.17.  
 21-34                    Personnel policies.

21-35    The town council shall adopt rules and regulations  
 21-36    consistent with this charter concerning: (1) the method of  
 21-37    employee selection and probationary periods of employment;  
 21-38    (2) the administration of the position classification and  
 21-39    pay plan, methods of promotion and application of service  
 21-40    ratings thereto, and transfer of employees within the

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22- 1    classification plan; (3) hours of work, vacation, sick  
 22- 2    leave, other leaves of absence, overtime pay, and the order  
 22- 3    and manner in which layoffs shall be effected; (4) such  
 22- 4    dismissal hearings as due process may require; and (5) such  
 22- 5    other personnel notices as may be necessary to provide for  
 22- 6    adequate and systematic handling of personnel affairs.

22- 7                    JUDICIAL BRANCH

22- 8                    SECTION 4.10.  
 22- 9                    Creation; name.

22-10    There shall be a court to be known as the Municipal Court of  
 22-11    the Town of Buckhead.

22-12                    SECTION 4.11.  
 22-13                    Chief judge; associate judge.

22-14    (a) The municipal court shall be presided over by a chief  
 22-15    judge and such part-time, full-time, or stand-by judges as  
 22-16    shall be provided by ordinance. The method of selection and  
 22-17    terms of such judges shall be provided by ordinance.

22-18    (b) No person shall be qualified or eligible to serve as a  
 22-19    judge on the municipal court unless he or she shall have  
 22-20    attained the age of 25 years and shall have a high school  
 22-21    diploma or its equivalent. The chief judge shall be  
 22-22    nominated and appointed by the mayor and council and shall  
 22-23    serve at the pleasure of the mayor and council. All other

22-24 judges shall be nominated by the chief judge and appointed  
22-25 by the mayor and council.


22-26 (c) Compensation of the judges shall be fixed by ordinance.

22-27 (d) Judges may be removed for cause by an affirmative vote  
22-28 of three members of the town council.

22-29 (e) Before assuming office, each judge shall take an oath,  
22-30 given by the mayor, that he or she will honestly and  
22-31 faithfully discharge the duties of his or her office to the  
22-32 best of his or her ability and without fear, favor, or  
22-33 partiality. The oath shall be entered upon the minutes of  
22-34 the town council journal required in Section 2.20 of this  
22-35 charter.

22-36 SECTION 4.12.

22-37 The municipal court shall be convened at regular intervals  
22-38 as provided by ordinance.

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23- 1 SECTION 4.13.  
23- 2 Jurisdiction; powers.

23- 3 (a) The municipal court shall try and punish violations of  
23- 4 this charter, all town ordinances, and such other violations  
23- 5 as provided by law.

23- 6 (b) The municipal court shall have authority to punish those  
23- 7 in its presence for contempt, provided that such punishment  
23- 8 shall not exceed \$200.00 or ten days in jail.


23- 9 (c) The municipal court may fix punishment for offenses  
23-10 within its jurisdiction not exceeding a fine of \$1,000.00 or  
23-11 imprisonment for six months or both such fine and  
23-12 imprisonment or may fix punishment by fine, imprisonment, or  
23-13 alternative sentencing as now or hereafter provided by law.

23-14 (d) The municipal court shall have authority to establish a  
23-15 schedule of fees to defray the cost of operation and shall  
23-16 be entitled to reimbursement of the cost of meals,  
23-17 transportation, and caretaking of prisoners bound over to  
23-18 superior courts for violations of state law.

23-19 (e) The municipal court shall have authority to establish  
23-20 bail and recognizances to ensure the presence of those  
23-21 charged with violations before said court and shall have  
23-22 discretionary authority to accept cash or personal or real  
23-23 property as surety for the appearance of persons charged  
23-24 with violations. Whenever any person shall give bail for  
23-25 his or her appearance and shall fail to appear at the time  
23-26 fixed for trial, his or her bond shall be forfeited by the

23-27 judge presiding at such time and an execution issued thereon  
23-28 by serving the defendant and his or her sureties with a rule  
23-29 nisi at least two days before a hearing on the rule nisi.  
23-30 In the event that cash or property is accepted in lieu of  
23-31 bond for security for the appearance of a defendant at  
23-32 trial, and if such defendant fails to appear at the time and  
23-33 place fixed for trial, the cash so deposited shall be on  
23-34 order of the judge declared forfeited to the town or the  
23-35 property so deposited shall have a lien against it for the  
23-36 value forfeited, which lien shall be enforceable in the same  
23-37 manner and to the same extent as a lien for town property  
23-38 taxes.

23-39 (f) The municipal court shall have the same authority as  
23-40 superior courts to compel the production of evidence in the  
23-41 possession of any party; to enforce obedience to its orders,  
23-42 judgments and sentences; and to administer such oaths as are  
23-43 necessary.

-23-

24- 1 (g) The municipal court may compel the presence of all  
24- 2 parties necessary to a proper disposal of each case by the  
24- 3 issuance of summonses, subpoenas, and warrants which may be  
24- 4 served as executed by any officer as authorized by this  
24- 5 charter or by law.

24- 6 (h) Each judge of the municipal court shall be authorized to  
24- 7 issue warrants for the arrest of persons charged with  
24- 8 offenses against any ordinance of the town, and each judge  
24- 9 of the municipal court shall have the same authority as a  
24-10 magistrate of the state to issue warrants for offenses  
24-11 against state laws committed within the town.

24-12 (i) The municipal court is specifically vested with all the  
24-13 jurisdiction and powers throughout the geographic area of  
24-14 this town granted by law to mayor's, recorder's and police  
24-15 courts, and particularly by such laws as authorize the  
24-16 abatement of nuisances and prosecution of traffic  
24-17 violations.

24-18 SECTION 4.14.

24-19 The right of certiorari from the decision and judgment of  
24-20 the municipal court shall exist in all criminal cases and  
24-21 ordinance violations cases, and such certiorari shall be  
24-22 obtained under the sanction of a judge of the Superior Court  
24-23 of Morgan County under the laws of the State of Georgia  
24-24 regulating the granting and issuance of writs of certiorari.


24-25 SECTION 4.15.  
24-26 Rules for court.

24-27 With the approval of the town council, the judge shall have  
24-28 full power and authority to make reasonable rules and

24-29 regulations necessary and proper to secure the efficient and  
24-30 successful administration of the municipal court; provided,  
24-31 however, that the town council may adopt in part or in toto  
24-32 the rules and regulations applicable to superior courts. The  
24-33 rules and regulations made or adopted shall be filed with  
24-34 the town clerk shall be available for public inspection,  
24-35 and, upon request, a copy shall be furnished to all  
24-36 defendants in municipal court proceedings at least 48 hours  
24-37 prior to said proceedings.

24-38 ELECTIONS AND REMOVAL

24-39 SECTION 5.10.  
24-40 Applicability of general law.

-24-

25- 1 All primaries and elections shall be held and conducted in  
25- 2 accordance with Chapter 2 of Title 21 of the Official Code  
25- 3 of Georgia Annotated, known as the "Georgia Election Code."

25- 4 SECTION 5.11.  
25- 5 Regular elections; time for holding.

25- 6 On the first Tuesday following the first Monday in November,  
25- 7 1999, and on that day quadrennially thereafter, there shall  
25- 8 be an election for the mayor and town council. The terms of  
25- 9 office shall begin at the time of taking the oath of office  
25-10 as provided in Section 2.18 of this charter.

25-11 SECTION 5.12.  
25-12 Nonpartisan elections.

25-13 Political parties shall not conduct primaries for town  
25-14 offices and all names of candidates for town offices shall  
25-15 be listed without party designations.

25-16 SECTION 5.13.  
25-17 Election by plurality.

25-18 The person receiving a plurality of the votes cast for any  
25-19 town office shall be elected.

25-20 SECTION 5.14.  
25-21 Filling of vacancies.

25-22 In the event that the office of mayor or councilmember shall  
25-23 become vacant for any cause whatsoever, the town council or  
25-24 those members remaining shall appoint a successor for the  
25-25 remainder of the term.


25-26 SECTION 5.15.  
25-27 Other provisions.

25-28 Except as otherwise provided by this charter, the town

25-29 council shall by ordinance prescribe such rules and  
25-30 regulations as it deems appropriate to fulfill any options  
25-31 and duties under the Chapter 2 of Title 21 of the Official  
25-32 Code of Georgia Annotated, known as the "Georgia Election  
25-33 Code".

25-34 SECTION 5.16.  
25-35 Removal of officers.

25-36 The mayor, councilmembers, or other appointed officers  
25-37 provided for in this charter shall be removed from office  
25-38 for any one or more of the following causes:

-25-

26- 1 (1) By an order of the Superior Court of Morgan County  
26- 2 following a hearing on a complaint seeking such removal  
26- 3 brought by any resident of the Town of Buckhead.

26- 4 (2) By recall pursuant to Georgia law; or

26- 5 (3) Pursuant to the terms of general law.

26- 6 SECTION 6.10.  
26- 7 Property tax.

26- 8 The town council may assess, levy, and collect an ad valorem  
26- 9 tax on all real and personal property within the corporate  
26-10 limits of the town that is subject to such taxation by the  
26-11 state and county. This tax is for the purpose of raising  
26-12 revenues to defray the costs of operating the town  
26-13 government, of providing governmental services, for the  
26-14 repayment of principal and interest on general obligations,  
26-15 and for any other public purpose as determined by the town  
26-16 council in its discretion.

26-17 SECTION 6.11.  
26-18 Millage rate; due dates; payment methods.


26-19 The town council by ordinance shall establish a millage rate  
26-20 for the town property tax, a due date, and the time period  
26-21 within which these taxes must be paid. The town council by  
26-22 ordinance may provide for the payment of these taxes by  
26-23 installments or in one lump sum, as well as authorize the  
26-24 voluntary payment of taxes prior to the time when due.

26-25 SECTION 6.12.  
26-26 Occupation and business taxes.

26-27 The town council by ordinance shall have the power to levy  
26-28 such occupation or business taxes as are not denied by law.

26-29 Such taxes may be levied on both individuals and  
26-30 corporations who transact business in this town or who  
26-31 practice or offer to practice any profession or calling  
26-32 therein to the extent such persons have a constitutionally  
26-33 sufficient nexus to this town to be so taxed. The town  
26-34 council may classify businesses, occupations, professions,  
26-35 or callings for the purpose of such taxation in any way  
26-36 which may be lawful and may compel the payment of such taxes  
26-37 as provided in Section 6.18 of this charter.

26-38 SECTION 6.13.  
26-39 Licenses; permits; fees.

-26-

27- 1 The town council by ordinance shall have the power to  
27- 2 require any individuals or corporations who transact  
27- 3 business in this town or who practice or offer to practice  
27- 4 any profession or calling therein to obtain a license or  
27- 5 permit for such activity from the town and pay a reasonable  
27- 6 fee for such license or permit where such activities are not  
27- 7 now regulated by general law in such a way as to preclude  
27- 8 town regulations. Such fees may reflect the total cost to  
27- 9 the town of regulating the activity and, if unpaid, shall be  
27-10 collected as provided in Section 6.18 of this charter. The  
27-11 town council by ordinance may establish reasonable  
27-12 requirements for obtaining or keeping such licenses as the  
27-13 public health, safety, and welfare necessitates.

27-14 SECTION 6.14.

27-15 The town council shall have the power to grant franchises  
27-16 for the use of this town's streets and alleys for the  
27-17 purposes of railroads, street railways, telephone companies,  
27-18 electric companies, cable television, gas companies,  
27-19 transportation companies, and other similar organizations.  
27-20 The town council shall determine the duration, terms,  
27-21 whether the same shall be exclusive or nonexclusive, and the  
27-22 consideration for such franchises; provided, however, no  
27-23 franchise shall be granted unless the town receives just and  
27-24 adequate compensation therefor. The town council shall  
27-25 provide for the registration of all franchises with the town  
27-26 clerk in a registration book kept by the clerk. The town  
27-27 council may provide by ordinance for the registration within  
27-28 a reasonable time of all franchises previously granted.

27-29 SECTION 6.15.  
27-30 Service charges.


27-31 The town council by ordinance shall have the power to assess  
27-32 and collect fees, charges, and tolls for sewers, sanitary  
27-33 and health services, or any other services provided or made  
27-34 available within and outside the corporate limits of the  
27-35 town for the total cost to the town of providing or making  
27-36 available such services. If unpaid, such fees, charges, and



27-37 tolls shall be collected as provided in Section 6.18 of this  
27-38 charter.

27-39 SECTION 6.16.  
27-40 Special assessments.

27-41 The town council by ordinance shall have the power to assess  
27-42 and collect the cost of constructing, reconstructing,

-27-

28- 1 widening, or improving any public way, street, sidewalk,  
28- 2 curbing, gutters, sewers, or other utility mains and  
28- 3 appurtenances from the abutting property owners under such  
28- 4 terms and conditions as are reasonable. If unpaid, such  
28- 5 charges shall be collected as provided in Section 6.18 of  
28- 6 this charter.

28- 7 SECTION 6.17.  
28- 8 Construction; other taxes.

28- 9 This town shall be empowered to levy any other tax allowed  
28-10 now or hereafter by law, and the specific mention of any  
28-11 right, power, or authority in this article shall not be  
28-12 construed as limiting in any way the general powers of this  
28-13 town to govern its local affairs.

28-14 SECTION 6.18.  
28-15 Collection of delinquent taxes and fees.


28-16 The town council by ordinance may provide generally for the  
28-17 collection of delinquent taxes, fees, or other revenue due  
28-18 the town under Sections 6.10 through 6.17 of this charter by  
28-19 whatever reasonable means as are not precluded by law. This  
28-20 shall include providing for the dates when the taxes or fees  
28-21 are due; late penalties or interest; issuance and execution  
28-22 of fi.fas.; creation and priority of liens; making  
28-23 delinquent taxes and fees personal debts of the persons  
28-24 required to pay the taxes or fees imposed; revoking town  
28-25 licenses for failure to pay any town taxes or fees; and  
28-26 providing for the assignment or transfer of tax executions.

28-27 SECTION 6.19.  
28-28 General obligation bonds.

28-29 The town council shall have the power to issue bonds for the  
28-30 purpose of raising revenue to carry out any project,  
28-31 program, or venture authorized under this charter or the  
28-32 laws of the state. Such bonding authority shall be  
28-33 exercised in accordance with the laws governing bond  
28-34 issuance by municipalities in effect at the time said issue  
28-35 is undertaken.

28-36 SECTION 6.20.  
28-37 Revenue bonds.

28-38 Revenue bonds may be issued by the town council as state law  
28-39 now or hereafter provides. Such bonds are to be paid out of  
28-40 any revenue produced by the project, program, or venture for  
28-41 which they were issued.

-28-

29- 1 SECTION 6.21.  
29- 2 Short-term loans.

29- 3 The town may obtain short-term loans and must repay such  
29- 4 loans not later than December 31 of each year, unless  
29- 5 otherwise provided by law.

29- 6 SECTION 6.22.

29- 7 The town council shall set the fiscal year by ordinance.  
29- 8 This fiscal year shall constitute the budget year and the  
29- 9 year for financial accounting and reporting of each and  
29-10 every office, department, agency, and activity of the town  
29-11 government.

29-12 SECTION 6.23.  
29-13 Preparation of budgets.

29-14 The town council shall provide an ordinance on the  
29-15 procedures and requirements for the preparation and  
29-16 execution of an annual operating budget, a capital  
29-17 improvements program, and a capital budget, including  
29-18 requirements as to the scope, content, and form of such  
29-19 budgets and programs.

29-20 SECTION 6.24.  
29-21 Submission of operating budget to town council.

29-22 On or before a date fixed by the town council but not later  
29-23 than 45 days prior to the beginning of each fiscal year, the  
29-24 mayor shall submit to the town council a proposed operating  
29-25 budget for the ensuing fiscal year. The budget shall be  
29-26 accompanied by a message from the mayor containing a  
29-27 statement of the general fiscal policies of the town, the  
29-28 important features of the budget, explanations of major  
29-29 changes recommended for the next fiscal year, a general  
29-30 summary of the budget, and such other comments and  
29-31 information as he or she may deem pertinent. The operating  
29-32 budget and the capital improvements budget provided for in  
29-33 Section 6.28 of this charter, the budget message, and all  
29-34 supporting documents shall be filed in the office of the  
29-35 town clerk and shall be open to public inspection.

29-36 SECTION 6.25.  
29-37 Action by town council on budget.

29-38 (a) The town council may amend the operating budget proposed

29-39 by the mayor, except that the budget as finally amended and  
29-40 adopted must provide for all expenditures required by state

-29-▲

30- 1 law or by other provisions of this charter and for all debt  
30- 2 service requirements for the ensuing fiscal year, and the  
30- 3 total appropriations from any fund shall not exceed the  
30- 4 estimated fund balance, reserves, and revenues.

30- 5 (b) The town council by ordinance shall adopt the final  
30- 6 operating budget for the ensuing fiscal year not later than  
30- 7 the thirty-first day of June each year. If the town council  
30- 8 fails to adopt the budget by this date, the amounts  
30- 9 appropriated for operation for the current fiscal year shall  
30-10 be deemed adopted for the ensuing fiscal year on a  
30-11 month-to-month basis, with all items prorated accordingly  
30-12 until such time as the town council adopts a budget for the  
30-13 ensuing fiscal year. Adoption of the budget shall take the  
30-14 form of an appropriations ordinance setting out the  
30-15 estimated revenues in detail by sources and making  
30-16 appropriations according to fund and by organizational unit,  
30-17 purpose, or activity as set out in the budget preparation  
30-18 ordinance adopted pursuant to Section 6.23 of this charter.

30-19 (c) The amount set out in the adopted operating budget for  
30-20 each organizational unit shall constitute the annual  
30-21 appropriation for such, and no expenditure shall be made or  
30-22 encumbrance created in excess of the otherwise encumbered  
30-23 balance of the appropriation or allotment thereof to which  
30-24 it is chargeable.


30-25 SECTION 6.26.

30-26 Following adoption of the operating budget, the town council  
30-27 shall levy by ordinance such taxes as are necessary. The  
30-28 taxes and tax rates set by such ordinance shall be such that  
30-29 reasonable estimates of revenues from such levy shall at  
30-30 least be sufficient, together with other anticipated  
30-31 revenues, fund balances, and applicable reserves, to equal  
30-32 the total amount appropriated for each of the several funds  
30-33 set forth in the annual operating budget for defraying the  
30-34 expenses of the general government of this town.

30-35 SECTION 6.27.

30-36 Changes in appropriations.

30-37 The town council by ordinance may make changes in the  
30-38 appropriations contained in the current operating budget at  
30-39 any regular meeting or any special or emergency meeting  
30-40 called for such purpose, but any additional appropriations  
30-41 may be made only from an existing unexpended surplus.

-30-31- 1                                    SECTION 6.28.

31- 2                                    Capital improvements budget.

31- 3    (a) On or before the date fixed by the town council but no  
31- 4    later than 45 days prior to the beginning of each fiscal  
31- 5    year, the mayor shall submit to the town council a proposed  
31- 6    capital improvements budget with his or her recommendations  
31- 7    as to the means of financing the improvements proposed for  
31- 8    the ensuing fiscal year. The town council shall have power  
31- 9    to accept, with or without amendments, or reject the  
31-10    proposed program and proposed means of financing. The town  
31-11    council shall not authorize an expenditure for the  
31-12    constructing of any building, structure, work, or  
31-13    improvement unless the appropriations for such project are  
31-14    included in the capital improvements budget, except to meet  
31-15    a public emergency as provided in Section 2.24 of this  
31-16    charter.

31-17    (b) The town council shall adopt by ordinance the final  
31-18    capital improvements budget for the ensuing fiscal year not  
31-19    later than the thirty-first day of June of each year. No  
31-20    appropriation provided in a prior capital improvements  
31-21    budget shall lapse until the purpose for which the  
31-22    appropriation was made shall have been accomplished or  
31-23    abandoned; provided, however, the mayor may submit  
31-24    amendments to the capital improvements budget at any time  
31-25    during the fiscal year, accompanied by his or her  
31-26    recommendations. Any such amendments to the capital  
31-27    improvements budget shall become effective only upon  
31-28    adoption by ordinance.

31-29                                    SECTION 6.29.


31-30                                    Independent audit.

31-31    There shall be an annual independent audit of all town  
31-32    accounts, funds, and financial transactions by a certified  
31-33    public accountant selected by the town council. The audit  
31-34    shall be conducted according to generally accepted  
31-35    accounting principles. Any audit of any funds by the state  
31-36    or federal governments may be accepted as satisfying the  
31-37    requirements of this charter. Copies of all audit reports  
31-38    shall be available at printing costs to the public.

31-39                                    SECTION 6.30.

31-40                                    Contracting procedures.

31-41    No contract with the town shall be binding on the town  
31-42    unless:

-31-

32- 1 (1) It is in writing;

32- 2 (2) It is drawn by or submitted to and reviewed by the  
32- 3 town attorney and, as a matter of course, it is signed  
32- 4 by the town attorney to indicate such drafting or  
32- 5 review; and

32- 6 (3) It is made or authorized by the town council and  
32- 7 such approval is entered in the town journal of  
32- 8 proceedings pursuant to Section 2.21 of this charter.

32- 9 SECTION 6.31.  
32-10 Centralized purchasing.

32-11 The town council shall by ordinance prescribe procedures for  
32-12 a system of centralized purchasing for the town.


32-13 SECTION 6.32.  
32-14 Sale of town property.

32-15 (a) The town council may sell and convey any real or  
32-16 personal property owned or held by the town for governmental  
32-17 or other purposes as now or hereafter provided by law.

32-18 (b) The town council may quitclaim any rights it may have in  
32-19 property not needed for public purposes upon report by the  
32-20 mayor and adoption of a resolution, both finding that the  
32-21 property is not needed for public or other purposes and that  
32-22 the interest of the town has no readily ascertainable  
32-23 monetary value.

32-24 (c) Whenever in opening, extending, or widening any street,  
32-25 avenue, alley, or public place of the town, a small parcel  
32-26 or tract of land is cut off or separated by such work from a  
32-27 larger tract or boundary of land owned by the town, the town  
32-28 council may authorize the mayor to execute and deliver in  
32-29 the name of the town a deed conveying said cut-off or  
32-30 separated parcel or tract of land to an abutting or  
32-31 adjoining property owner or owners in exchange for  
32-32 rights-of-way of said street, avenue, alley, or public place  
32-33 when such exchange is deemed to be in the best interest of  
32-34 the town. All deeds and conveyances heretofore and  
32-35 hereafter so executed and delivered shall convey all title  
32-36 and interest the town has in such property, notwithstanding  
32-37 the fact that no public sale after advertisement was or is  
32-38 hereafter made.

32-39 GENERAL PROVISIONS

-32-

33- 1 SECTION 7.10.

33- 2 Bonds for officials.

33- 3 The officers and employees of this town, both elected and  
33- 4 appointed, shall execute such surety or fidelity bonds in  
33- 5 such amounts and upon such terms and conditions as the town  
33- 6 council shall from time to time require by ordinance or as  
33- 7 may be provided by law.

33- 8 SECTION 7.11.  
33- 9 Prior ordinances.

33-10 All ordinances, resolutions, rules, and regulations that are  
33-11 now in force in the town and are not inconsistent with this  
33-12 charter are declared valid and of full effect and force  
33-13 until amended or repealed by the town council.

33-14 SECTION 7.12.  
33-15 First election under this charter.

33-16 The first municipal election shall be the first Tuesday  
33-17 following the first Monday in November, 1999, at which the  
33-18 mayor's and all councilmembers' positions shall be filled.


33-19 SECTION 7.13.  
33-20 Existing personnel and officers.

33-21 Except as specifically provided otherwise by this charter,  
33-22 all personnel and officers of the town and their rights,  
33-23 privileges, and powers shall continue beyond the time this  
33-24 charter takes effect for a period of 365 days before or  
33-25 during which the existing town council shall pass a  
33-26 transition ordinance detailing the changes in personnel and  
33-27 appointed officers required or desired and arranging such  
33-28 titles, rights, privileges, and powers as may be required or  
33-29 desired to allow a reasonable transition.

33-30 SECTION 7.14.  
33-31 Pending matters.

33-32 Except as specifically provided otherwise by this charter,  
33-33 all rights, claims, actions, orders, contracts, and legal or  
33-34 administrative proceedings shall continue, and any such  
33-35 ongoing work or cases shall be completed by such town  
33-36 agencies, personnel, or offices as may be provided by the  
33-37 town council.

33-38 SECTION 7.15.  
33-39 Construction.

-33-

34- 1 (a) Section captions in this charter are informative only  
34- 2 and are not to be considered as a part thereof.

34- 3 (b) The word "shall" is mandatory and the word "may" is  
34- 4 permissive.

34- 5 (c) The singular shall include the plural, the masculine  
34- 6 shall include the feminine, and vice versa.

34- 7 SECTION 7.16.  
34- 8 Severability.

34- 9 If any article, section, subsection, paragraph, sentence, or  
34-10 part thereof of this charter shall be held to be invalid or  
34-11 unconstitutional, such invalidity or unconstitutionality  
34-12 shall not affect or impair other parts of this charter  
34-13 unless it clearly appears that such other parts are wholly  
34-14 and necessarily dependent upon the part held to be invalid  
34-15 or unconstitutional, it being the legislative intent in  
34-16 enacting this charter that each article, section,  
34-17 subsection, paragraph, sentence, or part thereof be enacted  
34-18 separately and independent of each other.

34-19 SECTION 7.17.  
34-20 Effective date.

34-21 This charter shall become effective on July 1, 1999.

34-22 SECTION 7.18.

34-23 An Act incorporating the Town of Buckhead in the County of  
34-24 Morgan, approved August 17, 1908 (Ga. L. 1908, p. 488), is  
34-25 repealed in its entirety. All laws and parts of laws in  
34-26 conflict with this Act are repealed.

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*Clerk of the House*  
*Robert E. Rivers, Jr., Clerk*  
*Last Updated on 04/19/99*

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